

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

- - - - -

ANN MARIE AUSTIN,

Plaintiff,

v.

PHILLIP MORRIS, USA,

Defendant.

- - - - -

ORDER

08-cv-244-bbc

Plaintiff has an appeal in this case pending before the court of appeals. On July 31, 2009, I denied her motion for a discretionary remand and considered her motions to submit a claim and to submit evidence as withdrawn. She now moves to reinstate the withdrawn motions.

Plaintiff's motions to submit a claim and to submit evidence are not clear, I understand her to be asking to add new evidence to her record on appeal although it is difficult to make out the exact nature of the evidence she wants to add.

The record in this case was certified and transmitted to the court of appeals a year ago, on August 6, 2008. The only information that can be included in the record on appeal

is the information that was before the court when I denied her motion to proceed in forma pauperis and dismissed her case. Plaintiff cannot add new evidence to the appeal record. Therefore, I will deny her motions to submit a claim and to submit evidence.

ORDER

IT IS ORDERED that:

1. Plaintiff's motions to reinstate her motions to submit a claim and to submit evidence, dkt. #22, are GRANTED.
2. Plaintiff's motions to submit a claim and to submit evidence (dkt. ##16 and 17) are DENIED.

Entered this 7th day of August, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge